

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff(s),

No. CR-06-00554-MJJ

vs.

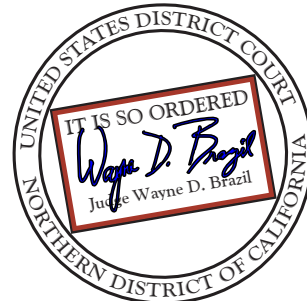
MARCUS SEWELL,

Defendant(s).

**ORDER REGARDING
APPOINTMENT OF COUNSEL**

On September 21, 2006, I received defendant's financial declaration. The declaration indicates that defendant has no income, a small savings account, and only one asset of any significance – a 2006 White Lexus GS430 with an estimated fair market value of \$50,000.00. The indictment, however, includes two separate forfeiture counts – under either of which, if proved, defendant would lose the Lexus. While it is not clear that the government will prevail on the forfeiture counts, it also is not clear that defendant could use this asset to fund his defense. On this record, I find that Mr. Sewell is entitled to representation by the Federal Public Defender. The court will re-visit this finding if the prosecution uncovers evidence that defendant has additional assets that might enable him to retain private counsel. When the case is concluded at the trial court level, the court will determine whether it is appropriate to require Mr. Sewell to contribute toward the cost of his defense.

Dated: September 22, 2006



WAYNE D. BRAZIL
United States Magistrate Judge

cc: WDB's Stats, Copies to parties via ECF,
Monica Tutson, Financial